IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 33 OF 2001

Smt. Sudha Y. Kamate
Major of age, w/o
Shri Yashwant Kamate
r/o D-6, Risco Bldg.
Curchorem-Goa. ... Applicant.

versus

1. Shri Mohan Kulkarni
   s/o Vithal Kulkarni
   r/o H.No.157,
   Chinchal wado
   Margao,Salcete-Goa.

2. State
   through Public Prosecutor. ... Respondents.

Mr. J. Godinho, Advocate for the Applicant.

Mr. Arun Bras De Sa, Advocate for Respondent No.1.

Mr. S. N. Sardessai, Public Prosecutor for the State.

CORAM: P. V. HARDAS, J.

DATED: 26TH JUNE, 2003.

ORAL JUDGMENT

This Criminal Revision Application has been filed by the Accused who has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to Simple Imprisonment for six months and to pay the Complainant compensation of Rs.2,42,000/- by the Judicial Magistrate, First Class, Margao by Judgment dated 12th

March, 2001, in Criminal Case No.547/N/99/F. The learned lower appellate Court by its Judgment dated 16th July, 2001, rendered in Criminal Appeal No.9/2001 had partly allowed the Appeal and had reduced the sentence to three months Simple Imprisonment and reduced the compensation to Rs.1,21,000/-. Hence, this Revision challenging the conviction.

2. The learned Counsel for the Applicant and Respondent No.1 have presented an application for compounding of the offence. The said application is signed by the Applicant/Accused, Respondent No.1 and their respective Counsel. In the said application which is taken on record and marked 'X' for the purpose of identification, it is stated that the Applicant has paid an amount of Rs.1,21,000/- to the Respondent No.1 on 26th July, 2001. Thus, the Accused has paid of the entire liability arising from the issuance of the cheque. Under Section 147 of the Negotiable Instruments Act, 1881, the offence punishable under the Negotiable Instruments Act has been made compoundable.

3. In view of the fact that the Complainant has received the entire amount of the cheque, according to me, in the interest of justice the Accused and the Complainant should be given permission to compound the offence. Accordingly, the Complainant and the Accused

are permitted to compound the offence. In view of the compounding of the offence, the conviction and sentence as aforesaid are hereby quashed and set aside and the Criminal Revision Application is allowed and the Accused is acquitted.

P. V. HARDAS, J.

RD.